Ratification of GATT

5108. SHRI CHIMANBHAI MEHTA:
SHRI P. UPENDRA:
SHRI G. G. SWELL:

Will the Minister of COMMERCE be pleased to state:

(a) which are the countries that have ratified GATT;

(b) whether the US has ratified biodiversity convention evolved at Rio Earth Summit in 1992;

(c) whether Trade Related Intellectual Property Rights (TRIPs) allow ten more years to India to change its patent laws;

(d) whether WTO gives exclusive market rights with immediate effect to foreign companies which may have obtained product patent for agriculture and pharmaceuticals in WTO member countries;

(e) what would be the implications of exclusive marketing rights in our country; and

(f) would the exclusive right holders dictate prices according to their perception in our country?

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI P. CHIDAMBARAM): (a) The list of countries which have ratified the WTO Agreement is annexed (*See* below).

(b) No, Sir.

(c) The TRIPs Agreement provides a transition period of ten years from 1.1.1995 to developing countries for the introduction of product patents in areas of technology not so protected.

(d) The TRIPs Agreement requires members to provide as from the date of entry into force of the WTO Agreement a means by which applications for patents for inventions (not eligible for product patents under the existing national law) can be filed. Where a product is the subject of such patent application in a member, exclusive marketing rights are required to be granted for a period of five years after obtaining marketing approval in that member provided that subsequent to the entry into force of the WTO agreement, a patent application has been filed and a patent granted for that product in another member and marketing approval obtained in such other member.

(e) In the event of amendments being made in our Patents Act, applicants to whom exclusive marketing rights are granted shall subject to the provision of the Act, have the exclusive right by himself, his agents or licensees to sell or distribute in India the article or the substance on and from the date of such approval till a period of five years or till the date of grant of patent or the date of grant of patent or the date of rejection of application for the grant of patent, whichever is earlier.

(f) The TRIPs Agreement does not prohibit the use of price control measures. It is government's intention to provide, where necessary, for the determination and control of prices of products subject to exclusive marketing rights.

Statement

List of Countries which have ratified the WTO Agreement

Antigua and Barbuda	Honduras	Paraguay
Argentina	Hong Kong	Peru
Australia	Hungary	Philippines
Austria	Iceland	Portugal
Bahrain	India	Romania
Bangladesh	Indonesia	Saint Lucia'
Barbados'	Ireland	Saint Vincent & Gran'
Belgium	Israel	Senegal
Belize	Italy	Singapor
Brunei Darussalam	Jamaica	Slovak Republic
Brazil	Japan	South Africa
Canada	Kenya	Spain
Costa Rica	Korea	Sri Lanka
Cotte d' Ivoire	Kuwait	Suriname
Cuba	Luxembourg	Swaziland
Czech Republic	Macau	Sweden
Denmark	Malaysia	Tanzania
Dominica	Malta	Thailand
Dominican Republic	Maurltius	Turkey
EC	Mexico	Tunisia
Finland	Morocco	Trinidad and Tobago
France	Myanmar	Uganda
Gabon	Namibia	United Kingdom
Germany	Netherlands	United States
Ghana	New Zealand	Uruguay
Greece	Nigeria	Venezuela
Guyana	Norway	Zambia
Chile	Pakistan	Zimbabwe